



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Special Exception

Trey and Anthony Wilson/Tax Map 23, Lot 15

April 20, 2011

**Applicant: Trey and Anthony Wilson
 1225 Whittier Highway
 Moultonborough, NH 03254**

Location: 1225 Whittier Highway (Tax Map 23, Lot 15)

On April 6, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Trey and Anthony Wilson (hereinafter referred to as the “Applicant” and/or “Owner”) for an application for Special Exception under Article VII (E) to allow for use of the existing site as an excavation business with no customers on-site for the property located in the Commercial B Zoning District.

Based on the application, testimony given at the hearing, and supporting documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 1225 Whittier Highway (Tax Map 23, Lot 15)
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented by Jim Hambrook of Hambrook Land Surveying
- 4) The applicants waived their right to a Board of five (5) members, there being only four (4) members present and able to hear the application at the April 6, 2011 meeting.
- 5) The lot is located in the Commercial B Zoning District.
- 6) The existing site contains a commercial garage and office. A new dwelling unit is proposed to be located on the site as well.
- 7) The applicant is concurrently seeking Site Plan Review and an Equitable Waiver of Dimensional Requirements from the Planning Board and the ZBA, respectively.
- 8) There are to be no customers on site as the excavation operation is to conduct all excavation jobs off site.
- 9) There is to be no storage of excavated materials on-site.
- 10) No members of the public wished to speak during the Public Hearing.

- 11) The specific site is an appropriate location for the use as it is located adjacent to other industrial and commercial businesses.
- 12) The use is compatible with the character of the neighborhood in the Commercial B District as it is located adjacent to other industrial and commercial businesses.
- 13) The property values in the district will not be negatively impacted by the use in the district.
- 14) There will be no nuisance or hazard to pedestrians or vehicles from any activity conducted on the site.
- 15) There will be no additional burden on Town infrastructure or services by the proposed operation.
- 16) The proposed use complies with the minimum land space requirements of Article III, Table I.
- 17) The capacity of existing roads to carry related traffic is sufficient to allow for the operation of the site as an excavation business without the need for upgrades or repairs of the roadway.
- 18) The site has on-site fire protection facilities.
- 19) The application meets all of the requirements for a Special Exception under Article VI E.
- 20) The Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, Hopkins, Nolin, Zewski), and none (0) opposed to continue the Public Hearing to April 20, 2011, and to direct the Town Planner to draft a Notice of Decision to Grant the Special Exception, to be reviewed by the Board at the April 20, 2011 Regular Meeting.

The Board of Adjustment continued the Public Hearing to April 20, 2011. The Board of Adjustment closed the public portion of the hearing on April 20, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Heal, Nolin, McCarthy), none (0) opposed, to **GRANT** the request for Special Exception.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert Stephens
Chairman, Zoning Board of Adjustment

Date _____